REMARKS

Claims 1-10, 12, 35-37, and 39-42 are pending in the present application. Claims 11, 13-34, and 38 have been cancelled without prejudice or disclaimer of the subject matter therein. Claims 1, 8 and 40 have been amended while new claims 41 and 42 have been added. Support for the amendments can be found, *inter alia*, on page 4 line 23 and page 5 line 23 through page 6 line 5, of the specification. Accordingly, no new matter has been introduced into the application by the above-amendment.

Interview Summary

Applicants wish to express their appreciation to Examiners Pulliam and Kishore for the courtesies extended to Applicant's representative during the personal interview of February 6, 2003. During the interview, the Lazar and Davison patents were discussed. Applicants pointed out that Davison taught away from forming the claimed invention in as much as an amlodipine free base was shown to be sticky. In contrast, claim 1 of the present application excluded such a sticky amlodipine tablet by functional language; i.e., "low punch residue." The Examiners suggested that Applicants claim their invention with regard to the physical ingredients that provide the advantageous property instead of by functional language.

Restriction Requirement

In view of the Restriction Requirement, Applicants have cancelled all non-elected claims. Applicants are considering the filing of a Divisional Application to this subject matter.

Rejection under §103

Claims 1-10, 12, and 35-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,155,120 (Lazar) in view of U.S. 4,879,303 (Davison). This rejection is respectfully traversed.

Lazar relates to a method for treating congestive heart failure using amlodipine or a pharmaceutically acceptable salt thereof. No particular pharmaceutical formulation is disclosed in Lazar. More importantly, Lazar fails to teach or suggest the formation of crystalline amlodipine free base, much less the formation or use of Applicants' claimed crystalline Form 1 or Form 2 amlodipine free base.

Davison relates to amlodipine besylate as a preferred salt for administering amlodipine. While a comparison tablet composition comprising amlodipine free base is disclosed in Davison, neither the form nor the production of the free base is disclosed therein. As mentioned during the interview, Davison leads the worker of ordinary skill in the art away from the use of amlodipine free base in a tablet. Like Lazar, Davison also fails to teach or suggest the use or formation of crystalline amlodipine free base.

Pursuant to the Examiners' suggestion during the interview, claim 1 has been amended to recite a particular physical form of amlodipine free base instead of a functional limitation concerning low punch residue. It is believed that the use of these forms, crystalline Forms I and/or II, provides for an unexpectedly superior low punch residue.

In this regard, Applicants direct the Examiner's attention to the recently published European Patent Application EP 1 287 826 of Pfizer Inc (a copy is enclosed). This patent indicates that prior to 2001, Pfizer's 'in-house' solid amlodipine free base was poorly soluble and had a low melting point, making it unsuitable for formulations. However, the Pfizer inventors have now found that amlodipine free base in crystalline form has a melting point and solubility profile that renders it suitable for pharmaceutical formulations. A preferred aspect of their crystalline form of amlodipine free base is that such form is free from amorphous free base material.

Since Lazar and Davison are also Pfizer patents, it would appear that the comparison amlodipine free base material used in Davison was not crystalline and/or contained a significant amount of amorphous material. This difference in material thus explains the difference in results between Davison's punch experiment and Example 9 of the present specification. The crystalline form (Form I) of amlodipine free base used in Example 9 yielded low punch residue, lower even than the amlodipine besylate. This is a truly surprising result given the reported results in Davison. As the same kind of excipients were used in both Davison and Applicants' Example 9, it is logical to conclude that the difference in performance is due to the difference in

amlodipine free base form, especially given the revelation in EP 1 287 826 that, prior to 2001, Pfizer's (i.e. Davison's) 'in-house' amlodipine free base was not crystalline.

In view of the above, the presently claimed invention is non-obvious for several reasons. First, neither Lazar nor Davison teach or suggest crystalline Form I or crystalline Form II amlodipine free base, much less enable its formation. In the absence of such a suggestion (and enabling disclosure), there is no motivation for forming the presently claimed composition. Second, the prior art leads the worker of ordinary skill away from trying to use amlodipine free base. This is seen in Davison where the free base is too sticky and, more recently, in EP 1 287 826 where Pfizer describes the bias in the prior art against forming a free base composition. Third, the low punch residue demonstrated in Example 9 of the present specification, which corresponds to the test in Davison, establishes superior and unexpected results for the use of crystalline amlodipine free base in accordance with the presently claimed invention over the cited prior art. The Applicants' claimed composition is thus novel and unobvious over the applied prior art. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

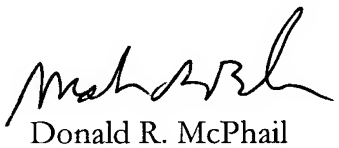
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact

the undersigned attorney, Mark R. Buscher (Reg. No. 35, 006), at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



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Date: March 20, 2003